

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**ERIC PRESCOTT KAY**

**vs.**

**ACTION NO. 4:25-CV-132  
(Crim. No. 4:20-CR-269-Y)**

**UNITED STATES OF AMERICA**

**MOVANT ERIC PRESCOTT KAY'S APPENDIX TO MEMORANDUM  
IN SUPPORT OF MOTION UNDER 28 U.S.C. § 2255 TO VACATE,  
SET ASIDE, OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY**

## TABLE OF CONTENTS

	<u>Page</u>
Appendix A: <i>United States v. Kay</i> , No. 22-11011, 2023 WL 7870590 (5th Cir. Nov. 15, 2023) (unpublished) .....	1
Appendix B: Defense attorney Wynn’s notes of Sept. 15, 2020, of phone conversation with AUSA Lindsey Beran .....	4
Appendix C: Defense attorney Wynn’s May 14, 2021, email to Candace Schoppe, M.D., with engagement letter .....	6
Appendix D: Signed engagement letter returned by Candace Schoppe, M.D., on May 18, 2021 .....	9
Appendix E: Defense attorney Wynn’s notes of July 22, 2021, reverse proffer session .....	12
Appendix F: Defense attorney Wynn’s July 27, 2021, memo respecting sentencing exposure ....	17
Appendix G: Defense attorney Wynn’s notes of Oct. 7, 2021, meeting with USAO respecting new plea offer .....	23
Appendix H: Transcript 1 of October 12, 2021, meeting .....	25
Appendix I: Transcript 2 of October 12, 2021, meeting .....	140
Appendix J: Declaration of Eric Prescott Kay .....	216
Appendix K: Declaration of Sandra Kay .....	220
Appendix L: Declaration of Kelly Elizabeth Miller .....	223
Appendix M: Declaration of Steve Harrison Miller .....	225
Appendix N: Declaration of Candace H. Schoppe, M.D. ....	227
Appendix O: Curriculum vitae of Candace H. Schoppe, M.D. ....	232
Appendix P: Declaration of James Gill, M.D. ....	238
Appendix Q: Curriculum vitae of James Gill, M.D. ....	243
Appendix R: Declaration of Amanda Culbertson .....	284
Appendix S: Curriculum vitae of Amanda Culbertson .....	291
Appendix T: Declaration of Gregory Jellick .....	295
Appendix U: Curriculum vitae of Gregory Jellick. ....	304

Appendix V: Declaration of Emmanuel Ladsous with Exhibits.....312

Appendix W: *Garcia v. Mendeke*, No. DR:15-CV-070-AM-CW, 2017 WL 3449611  
(W.D. Tex. Feb. 24, 2017) (magistrate judge’s report and recommendation) .....762

Appendix X: *Garcia v. Mendeke*, No. DR-15-CV-070-AM/CW, 2017 WL 3471463  
(W.D. Tex. Mar. 21, 2017) (district court order adopting magistrate judge’s  
report and recommendation) .....781

Appendix Y: LinkedIn profile of Southlake Police Captain Delaney Green, accessed  
March 7, 2025 .....785

Certificate of Service .....792